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PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC

STATE OF NORTH CAROLINA  
OF WAKE, RALEIGH

IN THE FEDERAL COURT OF JUSTICE COUNTY  
EASTERN DISTRICT COURT DIVISION

Shomari E Norman,Sr.

Plaintiff,

) Complaint

v.

) North Carolina Docket#

Evonne S Hopkins, Magistrate Lori Christian, Marc

) 5-18- CV-343-D

Anthony, NC Child Support Agency

Defendant(s).

)

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**PLAINTIFF DECLARATION OF AFFIDAVIT**

1. Plaintiff is a United States combat veteran who along with his unit received a unit citation from the President of the United States. Plaintiff has received an honorable discharge from service. Plaintiff has completed tours from Operation Iraqi Freedom and Operation Iraqi Enduring Freedom.
2. Plaintiff does not have a criminal record. Plaintiff has been a productive citizen of the United States for over 20 years.
3. No Judge can be found ignorant of the Law. No Judge is immune to the law.--U. S. Code Title 5.
4. 28 U.S. Code 458 (2): With respect to appointment of a judge of a court exercising judicial power.
5. Exhibit M which was presented to the court. This document is a Summon to Appear to Child Support court. The summons to child support court was on 13 June 2012. The Slander of Credit and Character took place when North Carolina Child Support Agency placed a LIEN on the Plaintiff account on 1 June 2012. North Carolina court was bias and

prejudice to SHOMARI E NORMAN SR. without hearing his case as established in Exhibit E. Which in turn makes the ruling UNCONSTITUTIONAL and should be voided based on the Marbury v Madison court case.

6. There is NO PROPERTY that belongs to North Carolina that the Plaintiff is in possession of. NO LOAN NO LIEN, NO LIEN NO DEBT. 12 CFR 614.4200 - General requirements to determine a loan. There was no loan agreement made by the Plaintiff to the defendants. 7 CFR 1436.8 - Security for loan.
7. Credit was Slandered: Slander Credit affect HOUSING. In order for anyone to buy or rent an apartment, businesses conduct a credit check. Slander of Credit affects employment also. It is known for Employers to investigate every candidate which includes credit checks.
8. The Plaintiff does not meet the criteria for his Parental Rights to be terminated. Child Protective Services found SHOMARI E NORMAN SR. not in need of services and the case was closed. Related court cases: CBOCS West, Inc. v. Humphries (06-1431) -- **CIVIL RIGHTS ACT OF 1866**.
9. 28 U.S. Code 1738- Full faith and credit given to child custody determination
10. Neglect of FATHERS Right. Plaintiff does not have any visitation or contact with his son Shomari E Norman Jr. Wake County Magistrate Lori Christian, Evonne S. Hopkins, Marc Anthony, NC Child Support are libel for breaking the law.
11. Intentional infliction of emotional distress--- intentional infliction of emotional distress (IIED) is defined as one of the parties are acting abominably or outrageously with the intention of causing the defendant to suffer severe emotional distress. This is typically done by a defendant vocally issuing the threat of future harm to a plaintiff. Plaintiff is diagnose with PTSD from serving the United States in Operation Iraqi Freedom and Operation Iraqi Enduring Freedom. Plaintiff has not had contact with his son since Magistrate Lori Christian gave Mrs. Norman permission to leave the state of North Carolina. The defendants then order the Plaintiff to pay his ex-wife attorney fees which has created a hardship.
12. Title 4. Liability in Tort Law Sec. 73.001. ELEMENTS OF LIBEL. A libel is a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury. Plaintiff was summons to appear to court on 13 June 2012. Credit Report reflects NC Child Support Agency defamed Plaintiff credit on 1 June 2012.

13. Title 4. Liability in Tort Law - Sec. 73.052. PURPOSE. The purpose of this is to provide a method for a person who has been defamed by a publication or broadcast to mitigate any perceived damage or injury. Defendants was notified and made aware of these infractions however, the LAW is overlooked. **[Fruit of the Poisonous Tree]**
14. Security and information measures. Defendants claim there is not an employee name Judy McArn. According to the memo and document form the back as submitted into evidence and Exhibit B. The document Letter Head states it's from NC Department & Human Service/ Division of Social Services Child Support Services.
15. Exhibit B fully displays that Judy McArn took funds from the Plaintiff account.
16. The funds that Mrs. Judy McArn took illegally are not shown as any kind of payment to Wake County child support office.
17. The defendants claim Mrs. Judy McArn is not an employee. There should be a criminal investigation into who is Mrs. Judy MrArn. The BANK authorized and conducts illegal activity.
18. Defendants under oath gave false statements and testimony. The Plaintiff Parental Rights was terminated which does not meet the criteria based on the U.S. Supreme Court description of grounds to terminate Parental Rights. If any statement is false, within any Law is passed, is unconstitutional, the WHOLE LAW is unconstitutional by the Marbury v Madison.
19. Any negative action from an unconstitutional act is deemed as poisons fruit.

Fruit of the Poisonous Tree a doctrine that extends the exclusionary rule to make evidence inadmissible in court if it was derived from evidence that was illegally obtained. North Carolina Child Protective Services found Shomari E Norman Sr. not need of services and case closed. At what point are Shomari E Norman Sr parental rights restored from the previous rulings? Shomari E Norman parental rights are still today is restricted. Plaintiff has been punished unlawfully against his will.

20. The United States Constitution is intendant for the observance of the Judiciary as well as other departments of the government and Judges are SWORN to support its provisions, the courts are not at liberty to overlook or disregard the law.
21. A void Act of the law cannot be legally inconsistent with a valid one and an unconstitutional law cannot operate to supersede an existing valid law.
22. 18 U.S. Code § 3571.
23. **Fines for Individuals.**—Except as provided in subsection 18 U.S. Code § 3571(e) of this section, an individual who has been found guilty of an offense may be fined not more

than the greatest of \$250,000.00

---- Per occurrence, per person 66 plus months times the penalty \$250,000= \$16,500,000.00 plus

23. - **Fines for Organizations.**—Except as provided in subsection (e) of this section 18 U.S. Code § 3571, an organization that has been found guilty of an offense may be fined not more than the greatest of \$500,000.00

---- Per occurrence, per organization 66 plus months times the penalty \$500,000= \$33,000,000.00 plus

24. Plaintiff request to for judgement for the total penalties be paid to Shomari E Norman Sr. no less than \$50,000,000.00. This in additional to the \$9,500,000.00 plus \$500,000.00 per month the debt is slandering Credit. A lien is placed on Shomari E Norman Sr. xxx-xx-8098 credit score report. This is in direct violation against United States LAW.

25. U.S. Code §14-118.6

26. 5 CFR 2635.702

27. 42 U.S. Code § 5752(l)

28. Section 123 of Public Law 91-508(l) (A)

29. 455 U.S.C. § 746- Obtaining Confidential Information

30. 33 CFR 104.265 - Security measures for access control..

### Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

### Article 2. Domestic Legal Effects

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

### Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

### Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

#### **Article 5. Right to Humane Treatment**

1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment.

#### **PLAINTIFF'S DECLARATION OF MOTION TO CHANGE VENUE**

1. Plaintiff motion for a change of venue in compliance with conflict in which involves Wake County. Plaintiff has a right to be heard fairly and justly under General Rules 4 and 5
2. Shomari E Norman Sr. Hereby request for the move of this Court, pursuant to N.C.G.S. 15<sup>a</sup>-957 and 15<sup>a</sup>-958, to transfer this proceeding to another State and or county. FACT: There is an interests and relationship between Magistrate Lori Christian, Evonne S. Hopkins, Mark Anthony, NC Child Support Agency and the judicial system of WAKE COUNTY.
3. The Plaintiff believes that it is reasonably likely that prospective venue would base their decision in this case upon pre-trail information and deep seeded loyalties to the defendants.
4. Plaintiff was not notified to appear into court for most of his cases. However, a verdict was given. These verdicts should be dismissed based on Rules 12 (b) (2), 12 (b) (4) and 12 (b) (5). Prior Judge in Wake County dismissed the fact Plaintiff was not properly notified. Thus still sided with the defendants.
5. Child Protective Services Documents was given to the court. NC Child Protective Services found the Plaintiff not in need of services, hence still terminated Plaintiff Parental Rights. Its obvious Wake County North Carolina is loyal to their employees.
6. The defendants did not deny or refute proof and evidence that was presented to the courts.

#### **PLAINTIFF MOTION OF DEFAULT JUDGEMENT**

1. Plaintiffs, Shomari E Norman Sr. Herein submit opposition to defendants Magistrate Lori Christian, Evonne S. Hopkins, Mark Anthony, and NC Child Support Agency for damages caused by neglect of the COLOR OF LAW and deprived the Plaintiff of United States Constitution.
2. 42 U.S. Code § 1985 - Conspiracy to interfere with civil rights. Defendants were made aware of the new evidence in Plaintiff child support case that would have force Magistrate Lori Christian to order Mrs. Norman to return to North Carolina. However, magistrate Lori Christian denied the Plaintiff of due process under the United States Constitution.
3. It is impossible under the United States Constitution for any person to be judicial immune to the law while depriving a citizen of his or her rights. Any Federal, local or domestic personnel that infringes upon another rights and or liberties are libel to the fines and penalties that are stated in the law.
4. Defendants do not have any written affidavits or proof to deny Plaintiff claim.

5. Tort Law--Intentionally putting another person in reasonable apprehension of an imminent harmful or offensive contact. Intent to cause physical injury is not required, and physical injury does not need to result. Plaintiff is not found guilty of any crime or criminal activity, hence Plaintiff is still penalized has not seen or had contact with his son for over 4 years. [Fruit of the Poisonous Tree]
6. Plaintiff was not NOTIFIED to appear into court. Defendants was made aware I was not proper or even notify to appear to court. This violates the 1st Amendment of the constitution. Related court cases: Caperton v. A.T. Massey Coal Company, Inc., et al. (08-22)- Rothgery v. Gillespie County, TX (07-440)- Dada v. Mukasey (06-1181).
7. Civil right are enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Discrimination occurs when the civil rights of an individual are denied or interfered with because of the individual's membership in a particular group or class. Various jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, and in some instances sexual orientation. Plaintiff has presented to Magistrate Lori Christian Exhibit A document from NC Child Protective Services, which finds the Plaintiff not in need of services and case close. Plaintiff is still denied his Parental Rights under the law. Government agents may not originate a criminal design, implant in an innocent person's mind the disposition to commit a criminal act, and then induce commission of the crime so that the Government may prosecute.
8. Ethics Code- Legal ethics is the minimum standards of appropriate conduct within the legal profession. It is the behavioral norms and morals which govern judges and lawyers. It involves duties that the members owe one another, their clients, and the courts. Respect of client confidences, candor toward the tribunal, truthfulness in statements to others, and professional independence are some of the defining features of legal ethics. The Defendants has selfishly and illegally punished the Plaintiff and do not have any proof, evidence to validate the events that has happened to the Plaintiff.
9. Article IV of the Articles of Confederation, which stated that

*"to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States . . . shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof."*
10. The Pinkerton doctrine is a judicially-created rule that makes each member of a conspiracy liable for crimes that other members commit to further their joint criminal design.<sup>2</sup> It is generally accepted in federal criminal law, was rejected by the drafters of the Model Penal Code
11. The Brady Rule- Evidence or information favorable to the defendant in a criminal

case that is known by the prosecution. Under the United States Supreme Court case of **Brady v. Maryland** (1963), the prosecution must disclose such material to the defendant if requested to do so.

12. 26 CFR 301.6343-1- Requirement to release levy and notice of release.

(a) In general. A district director, service center director, or compliance center director (director) must promptly release a levy upon all, or part of, property or rights to property levied upon and must promptly notify the person upon whom the levy was made of such a release, if the director determines that any of the conditions in paragraph (b) of this section exist.

- 13. 13.0 42 U.S. Code § 12203 - Prohibition against retaliation and coercion

**EXHIBITS OF PROOF ATTACHED TO THE PLAINTIFF CASE:**

- A. Wake County Child Protective Services document found Plaintiff Not in Need of Services and case is closed. (Labeled A)
- B. NC Child Support taking funds out of Plaintiff Bank account ( Labeled B)
- C. 2<sup>nd</sup> time NC Child Support taking funds out of Plaintiff Bank account (Labeled C)
- D. Fund taken out of bank account is not registered as any kind of payment to NC Child Support Agency (Labeled D)
- E. Slander of Credit: Credit was slandered on 1 June 2012 ( Copy from Credit Report) ( Labeled E)
- F. Slander of Credit still active 1 Nov. 2017 ( Labeled F)
- G. Day to appear into court 13 June 2012 (Labeled G)
- H. Was Given a court appointed attorney. Judge Christian removed Plaintiff legal counsel. (Labeled H.)
- I. Copy of Defendants Motion to Dismiss where they deny that Judy McArn is or was an Employee. (Labeled I.)

**MOTION FOR RELIEF**

The Memorandum of Points and Authorities the declaration of this lawsuit, on the complete files and records of this action and on such other oral and / or documentary evidence as may be presented at the hearing on the Motion date.

Plaintiff motion for 28 USC 132 which convening Court of Record Forbid Judge to Act Independently of Jury.

*Lesar v. U.S. Dep’t of Justice*, 636 F.2d 472, 483 (D.C. Cir. 1980).

1. **Human Rights** are rights to life and liberty, freedom of thought and speech/expression, equality before the law, social, cultural and economic **rights**, the **right** to food, the **right** to work, and the **right** to education.

2. **Human rights laws** have been defined by international conventions, by treaties, and by organizations, particularly the United Nations. These **laws** prohibit practices such as torture, Slavery, summary execution without trial, and Arbitrary detention or exile.

They are commonly understood as inalienable fundamental **rights** "to which a person is inherently entitled simply because she or he is a **human being**", and which are "inherent in all **human beings**" regardless of their nation, location, language, religion, ethnic origin or any other status.

3. **Representation Law** and Legal Definition. The term **representation** means: 1. A statement of fact made with the purpose of getting someone to become party to a transaction or contract. The presentation of fact may be by words or by conduct and it should induce a person to act. 18 U.S. Code § 241 - Conspiracy against rights. The Plaintiff has been denied by the defendants Legal Representation. As established in Exhibit H. Plaintiff has been order to pay ex-wife attorney fees without properly being represented under the United States Constitution.
4. 22 CFR 143.35- Prohibition against intimidation or retaliation
5. Conspiracy to Interfere with civil rights- U.S.C. § 242
6. **Aiding and abetting** is a legal doctrine related to the guilt of someone who aids or **abets** in the commission of a crime. Magistrate Lori Christian, Supervisor over Magistrate Lori Christian, NC Judiciary Commission and the NC Bar Association was given the document from NC Child Protective Services finding the Plaintiff not in need of service and case close. Plaintiff Father Rights has not been restored.

Plaintiff request to for judgement for the total penalties be paid to Shomari E Norman Sr. no less than \$50,000,000.00. This in additional to the \$9,500,000.00 plus \$500,000.00 per month the debt is slandering Credit. A lien is placed on the Plaintiff, Shomari E Norman Sr. xxx-xx-8098 credit report and credit score report. This is in direct violation against United States LAW.

Plaintiff

Shomari E. Norman

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